

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

OPINION and ORDER

GLORIA E. BENJAMIN, and ST. CROIX
CHIPPEWA INDIANS OF WISCONSIN,

24-cv-370-jdp

Defendants.

The United States brought this action to foreclose on real property held in trust and leased to Gloria E. Benjamin by the St. Croix Chippewa Indians of Wisconsin. Benjamin executed a leasehold mortgage in 2008 that secured a loan for Benjamin to buy the property, but Benjamin's lease with the St. Croix Chippewa Tribe gave the Tribe the right of first refusal to acquire her interest in the property if Benjamin defaulted. The clerk of court entered default against Benjamin, Dkt. 15, and the court denied Benjamin's motion to set aside the default, Dkt. 20.

The United States moves for a default judgment against Benjamin, Dkt. 22, and for summary judgment against the Tribe, Dkt. 24. In those motions, the United States asks the court to enter judgment of foreclosure and sale against all defendants.

The Tribe admitted in its answer to the United States' complaint that it has an interest in the property at issue and that it did not exercise its right of first refusal when Benjamin defaulted on her loan and the United States satisfied the debt. Dkt. 6. And the Tribe did not oppose the United States' motion for summary judgment. So the court will grant the unopposed motion for summary judgment.

The court will schedule a hearing to address the United States' motion for a default judgment against Benjamin.

ORDER

IT IS ORDERED that:

1. Plaintiff United States of America's motion for summary judgment, Dkt. 24, is GRANTED.
2. The court will hold a telephonic hearing on plaintiff's motion for a default judgment against defendant Gloria Benjamin at 8:30 am on May 13.

Entered May 6, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge